

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FIRST QUALITY TISSUE, LLC, :
: Plaintiff, :
: v. : Civil Action No. 19-428-RGA
: Defendants. :
IRVING CONSUMER PRODUCTS :
LIMITED, et al., :
: Defendants. :

MEMORANDUM ORDER

The parties have submitted competing proposals for extending portions of the schedule. (D.I. 100).

There is some need for an extension as a result of COVID-19-related delay, but it seems evident to me that the main reason Defendants seek a longer extension is that new counsel has entered for Defendants. As is all too frequently the case, when new counsel enter the case, they have different ideas about how departing counsel should have been handling the case, and now they want some relaxation from the existing framework of the case so that they can reshape the case to be more in conformity with their ideas about how the case should be handled

I think it is important to emphasize that this is not really about old counsel or new counsel. It is about the client. The client made choices. Whether old counsel and the client had a falling out, or whether old counsel was always just litigation/settlement counsel (and therefore less expensive), or something else, the client now has to live with its decisions, including its choice of counsel.

New counsel, I am certain, can do what it needs to do to be ready for trial. If new counsel could not do what they thought needed to be done in the then-existing schedule, they would not have taken on the client. The new law firm has “more than 2,700 lawyers across a global platform.” Six of them are apparently working on this case now, and, as Plaintiff points out, there are multiple lawyers at other firms who also represent Irving in connection with this case. Defendants can throw an army of lawyers at this case if that is what it needs.

Thus, I am going to sign Plaintiff’s proposed order regarding the schedule.

I also note Defendants talk about upcoming privilege disputes. If the parties confirm that this is going to be an upcoming issue, they should promptly advise me so that I can appoint a Special Master to expeditiously resolve such disputes when they ripen.

IT IS SO ORDERED this 19 day of August 2020.

/s/ Richard G. Andrews
United States District Judge